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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/607,776      | 06/27/2003  | Norman K. Huppert    | 20025CIP-HI         | 6451             |

33621 7590 01/03/2006

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EXAMINER

YIP, WINNIE S

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3636

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/607,776             | HUPPERT, NORMAN K.  |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Winnie Yip             | 3636                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2 and 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Part II DETAILED ACTION***

This office action is in response to applicant's amendment filed on October 3, 2005.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "30" has been used to designate both a base of the bracket and a truss (see Fig. 1). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the cited terms "said member" (line 10) and "said threaded hole" (line 12) lack a proper antecedent basis which causes the claim indefinite.

Further, the phrase “for receiving” (line 12) fails to positively recite the structural relationship between the bracket and the rod.

***Claim Rejections - 35 USC § 102***

3. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Sanford (US Patent NO. 2,911,690).

Sanford shows and teaches a connection bracket (10) capably used for a truss anchoring assembly, comprising: a U-shaped bracket having a base (32) and a pair of opposed first (33) and second (10) side walls, a block (20) having at least one hole (15) on the bottom portion (23 plus 13) extending through the block and being capably used for receiving a threaded upper end of a vertical rod, and the U-shaped bracket having a plurality of holes (15) at an upper portion of the first side wall (33) offset from a plurality of holes (15) at a lower portion of the second side wall (10) for preventing uplift and more stably securing the U-shaped bracket to the roof truss and.

***Claim Rejections - 35 USC § 103***

4. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gozdziaik (US Patent No. 5,303,520) in view of Sanford ‘690.

Gozdziaik teaches a truss anchoring assembly (52) for anchoring a truss to a building support foundation, comprising: a rod means (50) having a lower end capably arranged to be secured to a support foundation, the rod means (50) forming an elongated extension extending from the building support foundation to the truss and having an upper threaded end (50), bracket means (30) having an U-shaped bracket including an upper wall forming a downwardly disposed surface for contacting an upper surface the truss (16) and a pair sidewalls for contacting the side walls of the truss (see Fig. 1), securement means including a block having an upper block (54)

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affixed to one of the side walls (30) and being angularly oriented on the one of the sidewalls to correspond the slop of the truss, and a lower member (34) having a threaded hole extending therethrough to receive the threaded upper end of the rod means in secured relationship, and the U-shaped bracket (30) having a plurality of holes (32) for receiving fasteners for securing the bracket means to the truss. Although Gozdziaik does not show U-shaped bracket of the bracket means (30) including holes on the pair of side walls for receiving fasteners for securing the U-shaped bracket to the truss. Sanford teaches a truss anchoring assembly for anchoring a truss (31) to a building support, comprising a bracket means having a U-shaped bracket (32) having a plurality of holes (15) formed on a pair of sidewalls of the U-shaped bracket, wherein the holes of one side wall being offset from the holes of the other sidewall for more strongly securing the bracket to the truss and preventing lifting of the truss from the support building. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the bracket means of the anchoring assembly of Gozdziaik having the pair of sidewalls formed with plurality of offset holes to receive misaligning fasteners for securing the sidewalls of the bracket to the sides of the truss as taught by Sanford instead of holes being formed on the base of the bracket means only, as a well known fastening mechanism in the art, to provide more securing areas for more strongly securing the bracket to the truss and preventing lifting of the bracket from the truss and preventing lifting the truss from the support foundation.

5. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alvarez (US Patent No. 5,335,470) in view of Huovinen (US Patent No. 1,657,441) and Sanford '690.

Alvarez shows and discloses a truss anchoring assembly for anchoring a truss to a building structure, comprising a rod means (52) having an elongated extension (42) having a threaded upper end and a lower end, a bracket means including a U-shaped bracket (50) having an upper wall for contacting a truss (T) and a pair of sidewalls for contacting the sides of the truss, a securement ledge (55, 56) extending outwardly from side walls of the U-shaped bracket and positioned offset from the truss to provide a block that affixed to one of the sidewall as claimed, said block (55) being angularly oriented on one of the sidewall with respect to the base of the U-shaped bracket and corresponding to the slope of the truss (see Fig. 7), said block (55) having a threaded hole (70) to receive with the threaded upper end of the rod means to provide a securing means for securing the bracket means to the truss when the U-shaped bracket is forced down to the truss, and the lower end of the rod means extending downwardly and secured to a wall of the building structure, although Alvarez does not describe the lower end of the rod means being secured to a support foundation, Huovinen teaches an anchoring assembly comprising a U-shaped bracket (20) secured on the truss (22) and rod means (18) having upper end connected to the bracket and the lower end extending downward through the building wall (10) and secured to a building support foundation (16). Therefore, it would have been obvious to one ordinary skill in the art to modify the anchoring assembly of Alvarez having the lower end of the rod means being equal well to extend downward through the support wall and secured to the support foundation as taught by Huovinen, as known mounting method in the art, for providing stronger support for anchoring the truss to the building structure through the support foundation. Further Alvarez does not define the U-shaped bracket means having holes formed on sidewalls and the holes on one sidewall being offset with the holes on the other sidewall as claimed. Sanford

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teaches a truss anchoring assembly for anchoring a truss (31) to a building support, comprising a U-shaped bracket (32) having a plurality of holes (15) formed on a pair of sidewalls of the U-shaped bracket, wherein the holes of one side wall (33) being offset from the holes of the other sidewall (10) for more strongly securing the bracket to the truss and preventing lifting of the truss from the support building. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the bracket means of the anchoring assembly of Alvarez having the pair of sidewalls formed with plurality of offset holes to receive misaligning fasteners for securing the sidewalls of the bracket to the sides of the truss as taught by Sanford instead of holes being formed on the base of the bracket means only, as a well known fastening mechanism in the art, to provide more securing areas for more strongly securing the bracket to the truss and preventing lifting of the bracket from the truss and preventing lifting the truss from the support foundation.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 2 and 5 under U.S.C. 102/103, and specifically to the features of "threaded hole extending through the block" and the sidewalls having offset holes have been considered. These features were not specifically and previously claimed in claims . Therefore, this argument is deemed to be moot in view of the new grounds of rejection.

### ***ACTION IS FINAL***

7. Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See M.P.E.P. ' 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. ' 1.136(a).

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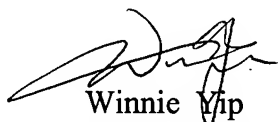
A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. ' 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

***Inquiry Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip  
Primary Examiner  
Art Unit 3636

wsy  
December 20, 2005